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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,631

Applicant(s)

ANTTILA ET AL.

Examiner

KIEU-OANH T BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/22/04 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8-21, and 25-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Shulman (US Pub 2001/0030664 A1).

Regarding claim 8, Shulman discloses a method of adjusting a configuration of a mobile wireless device to receive broadcast content, the mobile wireless device comprising a media

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player, i.e., a broadcast content which can be received, customized or adjusted by a user based on the user's preferences (as illustrated in Figs. 2a, 2b & 3, and page 1/section 0007 to section 0009; and Fig. 1C as one mobile device 110 communicates to another mobile local device 120, wherein devices 110 can be PDA or (mobile) palm top computers and local devices can be laptop, notebooks, or portable wireless devices or a web-enabled telephone, see page 3, section 0031 & 0032), the method comprising:

(a) receiving at the media player an alert message formatted to reconfigure the media player to provide the broadcast content to a user of the media player, i.e., the user can tune or set the alert message at his/her media player by customizing to his/her own choice and reconfigure the media player to receive the alert message by setting the sending to the Interest group at the first media player (as illustrated in Fig. 1C at state alerts and schedules at item 190 within the local set top box 120, and as in Fig. 3 by setting level 320; and this feature of setting configuration can also be applied at the local device because the second local device can be a palmtop computer or PDA), (b) presenting the alert message to the user of the media player; i.e., a user can receive a broadcast content from a broadcast source, for example, an advertising or an invitation for an event or party (Figs. 2a & 2b, and pages 5-6, section 0056 for the notification level can be set to a community broadcast and/or an Interest group and/or Interactive Advertising) and (c) reconfiguring the media player to process the broadcast content, i.e., the user can receive the alert message at the local device 110 as noted earlier.

As for claim 9, in view of claim 8, Shulman further discloses including "after (b) receiving an input from the user accepting or denying the tune alert message", i.e., the user can set up a predetermined time with a condition for accepting or canceling the tune alert message

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(as shown in Fig. 6 at steps 640 to 665 and from 640 to 645 and 650 for either reschedule the notification or cancel it, and page 7/section 0066); and wherein (c) comprises reconfiguring the media player to process the broadcast content only when the user accepts the tune alert message, i.e., the user only accepts the tune alert message based on conditions that he/she set up for receiving (page 7/section 0067 at step 630 for alert message activation or at step 650 for alert message cancellation).

As for claim 10, in view of claim 8, Shulman further discloses “wherein the tune alert message comprises configuration parameters of another media player”, i.e., configuration parameters of another media player is provided by the level of interactivity, for instance, for configuring to send to people with same interests in a special interest group at level 5 (Fig. 2b, page 5/section 0050 for some examples of alert message activation to different users based on different user preferences, and page 6/section 0061 for status alerts addressed).

As for claim 11, in view of claim 8, Shulman further discloses “wherein the content comprises audio content received from a radio broadcast source”, i.e., the user can set up the audio tone and/or audio volume of the broadcast notification (Fig. 3/item 325) and listen to news, emergency broadcasts –from a radio broadcast source as an EBS or an Emergency Broadcast System- or local news in a variety of receiving audio/visual devices (pages 4-5, section 0049 and page 7, section 0067).

As for claim 12, in view of claim 8, Shulman further discloses “wherein the content comprises audio-visual content received from a video broadcast source”, i.e., the user can set up the audio tone and/or audio volume of the broadcast notification as well as the display notification including a display header with its subject, size, color and shape (Fig. 3/item 325)

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and listen and/or watch news, emergency broadcasts –from a radio broadcast source as an EBS or an Emergency Broadcast System- or from a video broadcast source (Fig. 1c for a cable headend 130 for a video broadcast source) wherein television or cable local news is broadcasting to the users in a variety of receiving audio/visual devices (pages 4-5, section 0049 and page 7, section 0067).

As for claim 13, in view of claim 8, Shulman further discloses “wherein the tune alert message comprises an identification of a content source”, i.e., the user whoever sends the tune alert message is identified by his/her username as login persons, for example, Jane Doe is being identified as the person who creates a status alerts to her family members related to homemaking (page 6, sections 0059, 0060 & 0061).

As for claim 14, in view of claim 8, Shulman further discloses including “before (b): comparing at least one parameter of the tune alert message to at least one preference parameter provided by a user of the media player”, i.e., before presenting the tune message to the user, the comparison step of at least one parameter of the tune alert message against at least one preference parameter provided by the user of the media player (as shown in Figs. 2a, 2b & 3 for setting up preference parameters at the local devices, which can be a media player as mentioned earlier in claim 1, and the comparison step occurs during the determination step 435 in order to provide appropriate actions as necessary (Fig. 4a, and page 6/section 0058).

As for claim 15, in view of claim 8, Shulman further discloses “wherein the broadcast content comprises promotional content”, i.e., advertising content can be provided to the user as Interactive Advertising level 7 is activated (Fig. 2b, and pages 5-6/section 0056).

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Regarding claim 16, Shulman discloses a mobile wireless device configured to receive messages and broadcast content, the mobile wireless device comprising: a media player, i.e., a media player or local devices can be consumer electronics or a mobile palmtop computer (see page 3, section 0031) or as a mobile wireless phone (Fig. 1c/item 110 & 120 as noted in claim 1 above) configured to receive messages and broadcast content (as illustrated in Fig. 1c, and pages 4-5/sections 0049, 0051 & 0052); the media player comprising: a communication module that receives a message identifying a source of broadcast content, i.e., a communications port 160 for transmitting and receiving messages between a plurality of devices (Fig. 1e) and identifying a source of broadcast content by its addresses or uniform resource locator URL (page 3/section 0035 for addressing server, and page 7/section 0065 for an URL addressed); a tuner that is adjustable to process content received from a plurality of different sources of broadcast content, i.e., a tuner 176 (as shown in Fig. 1c/item 176) for tuning to different sources of broadcast content, for example, to an Emergency Broadcast System or to a Community broadcast or to Interactive TV or to Interactive Advertising (Figs. 2b & 3, and page 5-6/sections 0055 & 0056); and state alerts and schedules 190 regarding as an alert module means configured to adjust the tuner to process content received from the source of the broadcast content identified in the message, i.e., content received from different sources as mentioned can be set or tuned by the level settings accordingly, for example, with or without a header and on how to transmit that alert notification (see Fig. 2b, and page 5/section 0054 for further details).

As for claims 17, 18 and 19, in view of claim 16, Shulman further discloses “wherein the tuner processes radio content”; “wherein the tuner processes video content” and “wherein the tuner process multimedia content”, i.e., the user can set up the audio tone and/or audio volume of

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the broadcast notification as well as the connected display of TV set to the set top terminal with a wireless keyboard 164 or a remote control 164' (Figs. 1c & 3) and listen to news, emergency broadcasts –from a radio broadcast source as an EBS or an Emergency Broadcast System- or from a video broadcast source (Fig. 1c for a cable headend 130 for a video broadcast source) wherein television or cable local news local news is broadcasting to the users via a world wide web for receiving multimedia content in a variety of receiving audio/visual devices (pages 4-5, section 0049, 0051, 0052 and page 7, section 0067).

Regarding claims 20 and 29, these claims for “a computer-readable medium containing computer-executable instructions for causing a first mobile wireless device comprising a first media player to perform the steps comprising: (a) presenting content to a user of the first media player, (b) generating at the first media player a tune alert message that may be used to reconfigure a second media player to provide the content to a user of the second media player; and (c) transmitting the tune alert message from the first media player to the second media player to provide the broadcast content to a user of the second media player” and the step of receiving and tuning the first media player from another wireless device are rejected for the reason given in the scope of claim 8 as already disclosed above with a computer readable medium such as a GUI within local devices (page 3/section 0031 for computer readable medium devices such as palmtop computers, PDA or consumer electronics and so on) and equipped with an Internet browser for executing executable instructions for the media player or the local devices to perform those steps as disclosed earlier (page 5/section 0052).

As for claims 21 and 30, Schulman discloses “a mobile wireless device comprising a media player comprising: a means for selecting content to present to a user; a means for transmitting tuning information that corresponds to the content and is formatted to be used to tune a remote device” (see claim 8, wherein the limitation of “to tune to a remote device” referred to another device or a second local device as already discussed, and means for receiving tuning information from another mobile wireless device and tuning to a source of the other broadcast; furthermore, as in view of claim 16 above, see Fig. 1c, a set top box regarding as a media player can present the selecting content to the user by either a TV set 168 or remote devices 110 via communications port 160, and the set top box tunes information corresponds to the content with the use of State Alerts & Schedules 190 and then transmits the tuning information to other remote devices 110 using Store & Forward Data 186 based on Account Configuration 182 within the memory 163). Please note again here that the device 120 does not need to be a set top box, and it can be a mobile wireless device as a web enabled phone, a portable wireless device (Shulman, page 3, section 0032).

As for claims 25-27, these claims simply referred to the alert message contains at least broadcast parameter and source of the broadcast content so the media player can tune to the broadcast source, as repeatedly disclosed above, Shulman discloses the local device with the tuner for automatically tuning to the broadcast source and view the content with at least one broadcast parameter (Figs. 1d, 1e, 3).

As for claim 28, Shulman shows the broadcast content and the alert message is clearly different as one can receive the TV content on one separate window and the alert message can be viewed on a separate dialogue window (Fig. 1e, and page 5, sections 0051-0052).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1-7, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shulman et al. (U.S. Patent Application Pub No. US2001/0030664 A1/ or “Shulman”) in view of Pepper et al. (US Patent 5,930,700/ or “Pepper”).

Regarding claim 1, Shulman discloses a method of transmitting an alert message from a first mobile wireless device to a second mobile wireless device, the first mobile wireless device comprising a first media player and the second mobile wireless device comprising a second media player, i.e., an alert message which can be customized or filtered by a user based on the user's preferences (as illustrated in Figs. 2a, 2b & 3, and page 1/section 0007 to section 0009; and in Fig. 1C as one mobile device 110 communicates to another local device 120 via home controller 116 or an intermediary network access device using multiple protocols, wherein the first device can be a (wireless) PDA, palmtop computers and the second local devices 120 can be a media player such as a laptop computer, a Web-enabled phone or a portable wireless device, see page 3, section 0031 & 0032) the method comprising: (a) presenting broadcast content to a first user of the first media player, i.e., a first user of the first media player can receive a broadcast content from a broadcast source, for example, an advertising or an invitation for an event or party (Figs. 2a & 2b, and pages 5-6, section 0056 for the notification level can be set to

a community broadcast and/or an Interest group and/or Interactive Advertising); (b) generating at the first media player the alert message formatted to reconfigure the second media player to provide the broadcast content to the second user of the second media player, i.e., the user can tune or set the alert message from the first media player to the second media player by customizing to his/her own choice and reconfigure the second media player to receive the alert message by setting the sending to the Interest group at the first media player (as illustrated in Fig. 1C at state alerts and schedules at item 190 within the local set top box 120 (again local device 120 can be a wireless device, not necessary a set top box as discussed above), and as in Fig. 3 by setting level 320), and (c) transmitting the alert message from the first media player to the second media player to provide the broadcast content to the second user of the second media player, i.e., the alert message is then broadcasting the content to the second user of the second media player, for instance, an invitation for a fourth person for golf is a best example for persons with same interests within a same group to communicate to each other (pages 6-7, section 0064).

Shulman does not clearly show the step of “generating at the first media player the alert message formatted to reconfigure the second media player to provide the content to a user of the second media player” and “...transmitting the broadcast content...to the second user” as argued by the applicants; however, Pepper teaches a same technique as message notification can be viewed at the first media player (PDA) of the first user and the broadcast content can be delivered to another user and/or another destination of the second media player (PDA, or lap top computer, or mobile phones) (see Pepper, Figs. 7-8, 10, 11, and col. 5/lines 19-42 for PDA; and col. 8/line 34 to col. 9/line 30 for voice, e-mails, fax, etc. as for the broadcast contents can be transferred from a mobile device to another one). Therefore, it would have been obvious to one

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of ordinary skill in the art at the time the invention was made to modify Schulman with Pepper's teaching technique as disclosed in order to transfer the alert message or notification message from the first mobile device to another by reconfiguring at the first mobile device as taught by Pepper.

As for claim 2, in view of claim 1, Shulman discloses "wherein the tune alert message comprises at least one content selection configuration parameter of the first media player", i.e., content selection configuration parameters are provided to the user for selecting or customizing (see page 2, section 0013 for parameters addressed, and Figs. 2a, 2b, and Fig. 3 on how to configure interactivity level preferences using parameters).

As for claim 3, in view of claim 1, Shulman further discloses "wherein the content comprises audio content received from a radio broadcast source", i.e., the user can set up the audio tone and/or audio volume of the broadcast notification (Fig. 3/item 325) and listen to news, emergency broadcasts –from a radio broadcast source as an EBS or an Emergency Broadcast System- or local news in a variety of receiving audio/visual devices (pages 4-5, section 0049 and page 7, section 0067).

As for claim 4, in view of claim 1, Shulman further discloses "wherein the content comprises audio-visual content received from a video broadcast source", i.e., the user can set up the audio tone and/or audio volume of the broadcast notification as well as the display notification including a display header with its subject, size, color and shape (Fig. 3/item 325) and listen and/or watch news, emergency broadcasts –from a radio broadcast source as an EBS or an Emergency Broadcast System- or from a video broadcast source (Fig. 1c for a cable headend 130 for a video broadcast source) wherein television or cable local news is broadcasting

to the users in a variety of receiving audio/visual devices (pages 4-5, section 0049 and page 7, section 0067).

As for claim 5, in view of claim 1, Shulman further discloses “wherein the tune alert message comprises an identification of a content source”, i.e., the user whoever sends the tune alert message is identified by his/her username as login persons, for example, Jane Doe is being identified as the person who creates a status alerts to her family members related to homemaking (page 6, sections 0059, 0060 & 0061).

As for claim 6, in view of claim 5, Shulman further discloses “wherein the tune alert message further comprises profile information to characterize the broadcast content”, i.e., user profile information is stored in a database and then it can be retrieved for appropriate actions (see Fig. 4a/item 425, page 5/section 0050 on profile depending on user preferences addressed, and page 6/section 0058 for a data record for storing that preference information from the user).

As for claim 7, in view of claim 1, Shulman further discloses “wherein (c) comprises transmitting the tune alert message from the first media player to a message server”, i.e., a message server or a local automation server (LAS) is provided for the user to send and retrieve messages or data from and to that server (see Fig. 1b, for LAS 120 or 120', and page 3, sections 0031, 0032, 0034 & 0035).

Regarding claim 22, Schulman discloses a mobile terminal, i.e., a set top terminal is a mobile terminal (page 4, section 0041 as people can place it anywhere they like), comprising: a transceiver module (inherently, and in view of Pepper as below) that sends and receives messages, i.e., a communications port 160 functions as a transceiver -meaning “transmitter” and “receiver”- by providing communication as a two-way communication link to other devices 110

(Fig. 1c, and page 4, section 0047, "communication" means transmit and receive information or messages between two or more parties); a tuner module configurable to select broadcast content (Fig. 1c/item 176); a tune alert module coupled to the tuner module and the transceiver module, the tune alert module generating tune alert messages that are formatted to adjust a tuner module of another mobile terminal, i.e., state alerts and schedules 190 regarding as a tune alert module means configured to adjust the tuner to process content received from the content source to different interactive levels (see Fig. 2b, and page 5/section 0054 for further details); and an audio/video generation module for receiving the broadcast content from the tuner and providing audio and video signals to output devices, i.e., Schulman inherently discloses the set top box must include an audio/video generation module for receiving the broadcast content from the tuner because it has a plurality of input and output ports to help it to communicate to other local and remote devices such as local devices 110, network 130, cable headend, a television, a VCR, a satellite dish including option to receive interactive multimedia services, online services, digital radio channels (page 4/sections 0042 & 0043 & 0045), for instance, an NTSC converter handles video signal conversion and output video to a display (page 4/section 0047), and stereo/audio output terminals for providing audio outputs to external devices (page 4/section 0042).

Shulman has a communication port but does not clearly show to have "a transceiver" within the mobile terminal, and Shulman does suggest that the local device can be any type of device not limited to a palmtop computer, a PDA, a cellular phone, a web-enabled phones and so on (page 3, section 0031 & 0032), and then; however, a transceiver is to be equipped within a mobile terminal for communication is too well known in the art. In fact, Peeper, in his system and method for automatically screening and directing incoming calls, discloses a portable or

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mobile terminal such as a personal digital assistant PDA that further including a wireless transceiver coupled to an antenna 212 for transmitting and receiving wireless communications in the previous prior art (Fig. 2/item 210 for a transceiver, and col. 2/lines 42-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shulman's communication port with an existing and known (wireless) transceiver as taught by Peeper in order to provide RF or wireless communication to other mobile devices. The motivation for doing this is to provide an enhanced capability to the portable device for its mobility and flexibility in communication to other wireless devices as taught by Peeper.

As for claim 23, in further view of claim 1, Pepper teaches this limitation as the second user can receive the broadcast content sent from the first mobile device with broadcast parameter and source of broadcast (as shown in Fig. 10, by using Call Command, the first user can transfer the message to another user by "forward", and the receiver will receive the message on his/her mobile device as the one illustrated in Figure 7 in Call Director that the call is from whom.

As for claim 24, Peeper shows the broadcast content and the alert message is clearly in different communication channels by using appropriate network interfaces for handling voice, faxes, e-mails, mobile communications etc. based on the user's location address (IP) and identity or routing numbers (col. 3/lines 18-63).

Conclusion

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9306, (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached at (703) 305-4755.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
December 21, 2004


**KRISTA BUI
PATENT EXAMINER**